

REMARKS

First, the applicant's gratefully acknowledge the indicated allowability of Claim 27 (page 7, numbered paragraph 18 of the Official Action). The applicant's also note with appreciation the indication that the subject matter defined by Claims 5-11, 14, 18-19 and 22 is patentable over the references cited in the Official Action (page 7, numbered paragraphs 16 and 17 of the Official Action). In particular, Claims 5-11, 14, 18-19 and 22 were objected to as being dependent upon a rejected base claim but, according to the Official Action, would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Accordingly, Claims 5, 7, 11, 14, 18, 19 and 22 have been rewritten in independent form. It is respectfully submitted that these amendments obviate the objection to Claims 5-11, 14, 18-19 and 22. Accordingly, it is respectfully submitted that these claims are now in condition for allowance.

Claims 23-26 and 28-31 were rejected under 35 U.S.C. §112, first paragraph. The rejection appears initially to be phrased as an enablement rejection. However, the rejection concludes with the following statement: "[t]he compounds listed in the specification do not provide ample *support* for the structure presented in the instant claims" (emphasis added, pg. 3 of the Official Action). Therefore, it is unclear whether the rejection is an enablement or a written description rejection. Clarification is requested.

While the applicant does not agree with this rejection, in order to advance prosecution, Claims 23, 24, 28, and 29 have been canceled without prejudice or disclaimer. Additionally, Claim 25 has been amended to recite that "all recurring units forming the resin are derived from a norbornene derivative or a tetracyclododecene derivative". Please note that this limitation previously appeared in Claim 26. It is respectfully submitted that this limitation, which is fully supported by the disclosure, distinguishes the invention defined by amended Claim 25 from the

cited references. Therefore, it is respectfully submitted that these amendments place Claims 25 and 26 in condition for allowance.

Claims 30 and 31 have also been amended to depend from Claims 25 and 27, respectively. As set forth above, Claim 27 has been indicated to be allowable. Further, as also set forth above, Claim 25 as amended is patentable over the cited references. Therefore, it is respectfully submitted that these amendments place Claims 30 and 31 in condition for allowance. In view of the above, reconsideration and withdrawal of the rejection of these claims is respectfully requested.

Claims 1-3, 12-13, 17 and 20-21 have been rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over Claims 37 and 41-43 of U.S. Patent No. 6,610,456 B2 issued to Allen et al. (hereinafter referred to as “Allen”) (see pp. 3-4, numbered paragraph 8 of the Official Action). Claims 1-4, 12 and 15-16 were also rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,503,686 B1 issued to Fryd et al. (hereinafter referred to as “Fryd”).

While the applicant does not agree with these rejections, in order to advance prosecution, Claims 1-4, 17, 20 and 21 have been canceled without prejudice or disclaimer. Further, Claims 12, 13 and 15 have each been amended to depend from Claim 5. It is respectfully submitted that these amendments place Claims 12, 13 and 15 in condition for allowance. Claim 16 depends from Claim 15. Therefore, it is respectfully submitted that the amendment to Claim 15 will also place dependent Claim 16 in condition for allowance. In view of the above, reconsideration and withdrawal of the rejection of these claims is respectfully requested.

CONCLUSION

Applicants submit that all of the pending claims of this application are now in condition

for allowance and respectfully request that the Examiner take action indicating the same. If any points remain at issue, however, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

PIPER RUDNICK LLP

A handwritten signature in black ink, appearing to be 'S. Kelber', written over a horizontal line.

Steven B. Kelber
Registration No. 30,073
Attorney of Record

1200 Nineteenth Street, N.W.
Washington, D.C. 20036-2412
Telephone No. (202) 861-3900
Facsimile No. (202) 223-2085

Christopher W. Raimund
Registration No. 47,258